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MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, A.D. 1972

No. 72-963

JOHN A. HUTTER, et al.,

Petitioners

vs.

THE COUNTY OF COOK,
a Body Political and Corporate, et al., and
P. J. CULLERTON, personally,
Assessor of Cook County

Respondents

PETITION FOR REHEARING

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IN THE
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October Term, A.D. 1972

No. 72-963

JOHN A. HUTTER, et al.,

Petitioners

vs.

THE COUNTY OF COOK, ILLINOIS
a Body Political and Corporate, et al., and
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Assessor of Cook County

Respondents

PETITION FOR REHEARING

The petitioners have appealed eight cases to this Court that have been heard by all the various Courts, State and Federal, in Illinois and Wisconsin, and others are in process.

These cases have all involved Civil Rights, Constitutional Rights of Equality, due process and the right of appeal.

In all cases this Court has refused to consider the appeals and has denied these petitioners the protection of these basic rights supposedly guaranteed by our Bill of Rights, the Federal Constitution.

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All of these appeals that have been denied without hearing or comment, involve property rights of the great middle class, the silent majority that constitutes the backbone of our nation; they involve the relationship of the individual resident of this nation with local town boards, cities, counties and other political subdivisions; they involve also the denial of rights provided by the State Constitutions of Illinois and Wisconsin. While these are the only States involved here, it may be presumed that similar situations would apply in every other State in our union.

There is a definite trend to turn all problems back to the States on the assumption that the local community is in a better position to handle its local affairs than the Federal government.

The town meeting of New England was able to cope with the comparatively simple problems of the past with its homogeneous "WASP" population. However, consider the justice dispensed in the witch trials of Salem.

With our frightening population explosion; our relative decrease in "WASP" percentage of our population; our intense industrial development; our relative decrease in natural resources; our pollution and our urban concentration; only the national direction of the Federal government can cope with these problems.

Aided and abetted by this Court, most units of State government utterly disregard the safeguard of rights which our Federal Constitution was intended to protect.

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Gilbert and Sullivan in "Pinafore" provides us with an appropriate song "Let the punishment fit the crime." Murder and lesser State felonies are almost treated in the class of misdemeanors while Federal offenses, which do not necessarilly effect life or property, seem to usually have a penalty of 10 years in prison or a $10,000. fine.

Consider the fate of Appeals Judge Otto Kerner, former governor of Illinois; general in the Armed Forces in World War II and generally considered an outstanding public servant who has served his country well. What did he do? To be a politician in Illinois and maintain the proper "face" it was necessary to have owned or controlled race track stock at one time or another. Judge Kerner incidentally, acquired some of this magic stock and sold it later at a profit. What else? Politicians don't usually take a loss and survive. The problem of getting reelected is very expensive. So, for doing this customary act, Mr. Kerner was convicted and faces 85 years in jail. Mr. Kerner was supposed to have moved some racing dates around. If true, who was injured? Certainly not the citizens of Illinois who benefited from fine legislation enacted during his term as governor.

We all desire the highest standard of morality in our elected officials. However, if we do, we must provide them the means of conducting their campaigns without the need of millions of dollars of campaign contributions. (Governor Walker of Illinois is in the hole for one million dollars deficit in campaign costs). Salaries must be adequate so an elected official can provide for his family to the

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same extent he could in a non political career.

This Court probably approves of the severe penalty meted out to Judge Kerner who hurt no one. Yet in this petition for Certiorari, where these petitioners seek justice for a hundred thousand Grade A residents of Illinois, who are for the most part, hard working, law abiding, thrifty, self supporting and substantial taxpayers, this Court says:

"Go away, we are too busy to bother with you; ask the States to look after your needs; if they don't, then it is just too bad."

This trend of the executive and judicial branches of Federal government to pass the buck to the States simply will not work and it will deny justice.

This Court will never cut down its case load by brushing aside nine out of ten appeals for justice that only this Court can determine. All it will result in, will be more and more demand on the Court for the solution of basic Constitutional problems. If the Court will hear and decide every case on its merits, it will soon find that its case load will relatively decrease.

Governor Walker today estimated that 140,000 Illinoisans would suffer because of cutbacks in Federal Social Service funding. He also charged that revenue sharing funds - which are given with virtually no strings attached - could be misused; to buy new office furniture for a mayor, for example.

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Petitioner's daughter, Marion, County Case worker, must face 100 new applicants, (95% white) from all over the nation, who come to her office every day seeking Public Aid because Illinois, like New York and California, is far more generous than other States. This is occurring during a period of "prosperity" the like of which we will probably never see again. Only a system of relief which is entirely Federal like Social Security, Medicare, etc. will solve the problem. Every person in every State would be treated alike. Our urban problems would diminish for poor people would disperse and seek the place to live where their check bought more.

It is also absolutely essential that the Federal government, through this Court rigidly determines that every employee of government, obeys the provisions of our Constitution or suffer severe penalties.

The defendants in this petition have blatantly laughed at and ignored both the Federal and the State Constitution of Illinois. They have caused thousands * of taxpayers to lose their life savings. The City of Chicago is awaiting the replenishment of funds from the Federal government so it can bulldoze thousands of apartment buildings so the land may be parceled out to generous contributors to build new highrises.

Will the Court reconsider and hold that the petitioners are entitled to one half billion dollars damages resulting from the blatant disregard of their Constitutional and Civil Rights by the conspiring defendants?

Must we tell our children that "Our Constitution will not protect them?"

Respectfully submitted,
John A. Hutter
-5- Attorney for Petitioners

* March 1, 1973 The federal Grand jury returns 8 indictments against the prime-past associates

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